

AMENDMENTS TO THE DRAWINGS:

Replacement sheets for Figures 1 and 5 are submitted herewith. The replacement sheets provide reference numeral 5 for the lid, and move reference numeral 4 to the container.

REMARKS

The Examiner is thanked for the examination of the application and for the indication of allowable subject matter. In view of the remarks that follow, the Examiner is respectfully requested to reconsider and withdraw the outstanding rejections.

Drawings:

In response to the objection to the drawing, replacement sheets for Figs. 1 and 5 are submitted herewith. The lid is now marked with reference numeral 5, and the body of the container is marked with reference numeral 4.

Specification:

The comment concerning the Abstract is not understood since the published application includes an Abstract. If an additional abstract is required, the Examiner is respectfully requested to notify Applicant's attorney. The specification has also been amended to remove certain reference numerals that were not found in the drawings.

Art Rejections:

Claims 1, 4, 14, and 18 have been rejected under 35 USC 102(b) as being allegedly anticipated by USP 5,702,183, hereinafter *Rasimus*. Applicant traverses this rejection.

The Examiner considers element 8 of *Rasimus* to correspond to the claimed support plate. However, as indicated in *Rasimus*, element 8 is a drive wheel (see,

e.g., col. 3, lines 12-15 and FIG. 3). The drive wheel 8 drives the discharge rings 9, 9' and does not support them and provides no support function. Although the reference is not clear, it appears that the rings 9, 9' are supported by a stationary plate 10, not the drive wheel 8. Plate 10 is not **rotatable** about a first vertical axis, as set forth in claim 1.

The Examiner also alleges that *Rasimus* discloses "at least one pinion gear 9, 9' rotatably mounted on the support plate". Although the rings 9, 9' are capable of rotating above the plate 10, they are clearly not mounted **to** the plate 10, as required by amended claim 1.

In the disclosed embodiments of the present invention, rotation of the pinion gear 18 is produced by rotation of the support plate 10 bringing the rotary axes 20 of the respective pinion gears 18 into gyration around a central axis 8 of the apparatus 2, the pinion gears 18 being then driven into rotation due to their engagement with a peripheral stationary ring gear 12. In *Rasimus*, rotation and gyration of the rings 9, 9' are produced by rotation of a central drive wheel 8 extending between the rings 9, 9' and in engagement therewith. This is a driving arrangement different from that of the present invention. However, the present invention is not limited to the disclosed preferred embodiments.

Furthermore, the Examiner considers the "pinion gear" of *Rasimus et al.* as having a cavity (in element 18) capable of receiving a container. Such an interpretation is not supported by the teachings in *Rasimus*. The function of the discharge rings 19 in *Rasimus* is to push material radially from under the shell 12 into a collection space 14 and onto a conveyor 15. The inner circular radial extent of beveled edge 18 of the rings 9, 9' delimits the outer edge of the central opening in

the discharge ring 9 (see col. 3, lines 21-26). There would be no reason to insert a container inside the rings 9, 9' as this would prevent them from fulfilling their discharge function. In fact, it would likely bring the apparatus of *Rasimus* in an inoperative condition.

Finally, the apparatus of *Rasimus et al.* is arranged for discharging material stored in a silo, and would be inefficient for mixing or milling the material, notwithstanding the fact that this has not been contemplated at all by *Rasimus*. Also, their rotating discharge arrangement is positioned at the bottom of a silo (container) and the material is distributed all above the rotating arrangement.

In the present invention, the material is either contained in a container inserted in a pinion gear 19 or is directly contained in a cavity acting as a container made in the pinion gear. The container has no discharge function. And the apparatus according to the invention is arranged for mixing or milling material, not for discharging material from a container.

Accordingly, The Examiner is respectfully requested to reconsider and withdraw the rejection of claim 1. Claim 14 is similar to claim 1 and thus allowable for the reasons set forth above. Claims 4 and 18 depend from claims 1 and 14 and are thus also patentable at least for the reasons set forth above.

In view of its allowance, claim 13 has been rewritten in independent form.

In the event that there are any questions concerning this Amendment, or the application in general, the Examiner is respectfully urged to telephone the undersigned attorney so that prosecution of the application may be expedited.

Respectfully submitted,

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